

WILKINSON) BARKER) KNAUER) LLP

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January 4, 2019

VIA ECFS

Marlene H. Dortch
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
CG Docket Nos. 18-152, 02-278

Dear Ms. Dortch:

On January 2, 2019, on behalf of Broadnet Teleservices LLC (“Broadnet”), the undersigned of Wilkinson Barker Knauer, LLP spoke by telephone with Travis Litman of Commissioner Rosenworcel’s office. During the call, I reiterated points made in Broadnet’s comments and reply comments in response to the Commission’s public notice on several issues related to the interpretation and implementation of the Telephone Consumer Protection Act (“TCPA”).¹ Specifically, I explained that in the *Broadnet Ruling*,² the Commission appropriately concluded that the federal government and those that work on its behalf are not “persons” under the TCPA, and that the Commission should now extend the relief afforded under that ruling to state and local governments. I also addressed Broadnet’s December 3, 2018 letter and December 19, 2018 notice of ex parte presentation, which explain that Congress did not intend in enacting the TCPA to apply it to any government entities, whether federal, state, or local.³

¹ Public Notice, Consumer and Governmental Affairs Bureau Seeks Comment on Interpretation of the Telephone Consumer Protection Act in Light of the D.C. Circuit’s ACA International Decision, CG Docket Nos. 18-152 & 02-278 (rel. May 14, 2018) (“*Public Notice*”); Comments of Broadnet Teleservices, LLC, CG Docket Nos. 18-152 & 02-278 (filed June 13, 2018); Reply Comments of Broadnet Teleservices, LLC, CG Docket Nos. 18-152 & 02-278 (filed June 28, 2018).

² See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Declaratory Ruling, CG Docket No. 02-278, FCC 16-72 (rel. July 5, 2016).

³ Written Ex Parte Communication of Broadnet Teleservices LLC, CG Docket Nos. 18-152, 02-278 (filed Dec. 3, 2018); Notice of Ex Parte Communication of Broadnet Teleservices LLC, CG Docket Nos. 18-152, 02-278 (filed Dec. 19, 2018).

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Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s Joshua M. Bercu/
Joshua M. Bercu